

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

DR. MILTON PRYSTOWSKY, in his own
right and as, EXECUTOR OF THE ESTATE
OF ROSE PRYSTOWSKY,

Plaintiff,

v.

TGC STORES, INC., ADT SECURITY
SERVICES, INC., INVACARE CORPORATION,
GOLDEN BROTHERS, INC. d/b/a GOLDEN
TECHNOLOGIES and PRIDE MOBILITY
PRODUCTS CORP.

Defendants.

and

PRIDE MOBILITY PRODUCTS CORP.

Defendant/Third-Party
Plaintiff

v.

DEWERT MOTORIZED SYSTEMS, PHOENIX
MECANO, INC. and KINGSTEC INDUSTRIES,
INC.

Third-Party Defendants

and

KINGSTEC INDUSTRIES, INC.

Third-Party Def/Fourth -
Party Plaintiff,

v.

CARLING INDUSTRIES, INC., and JOHN DOES
1-10,

Fourth-Party Defendant

Civil Action No.:
2:07-cv-00072-SDW-MCA

**CERTIFICATION OF DOUGLAS POFF FOR
ENCOMPASS INSURANCE COMPANY IN
RATIFICATION OF ACTION PURSUANT
TO RULE 17 (a)(3)**

Hon. Susan D. Wigenton, U.S.D.J.
Hon. Madeline C. Arleo, U.S.M.J.

**CERTIFICATION OF DOUGLAS POFF FOR ENCOMPASS INSURANCE COMPANY
IN RATIFICATION OF ACTION PURSUANT TO RULE 17(a)(3)**

I, Douglas Poff, certify as follows:

1. I am an adult individual and Recovery Representative at Encompass Insurance Company, Plaintiff's subrogee in the captioned matter.
2. I make this Certification in support of the Response by Plaintiff in Opposition to Phoenix Mecano's Motion to Join Plaintiff's Insurer as a Real Party of Interest and Necessary Party Plaintiff.
3. I have personal knowledge of this case and, if called, could competently testify to the matters set forth herein.
4. I make this Certification in my official capacity with Encompass Insurance Company and with authority to bind Encompass Insurance Company to the statements made herein.
5. Pursuant to the terms of a policy of insurance which Encompass Insurance Company's predecessor's issued to Plaintiff, Encompass Insurance Company has paid Plaintiff \$738,224.31 in benefits as a result of the fire which is the subject of the captioned action and is accordingly subrogated to Plaintiff's recovery to the extent of the payment.
6. Encompass Insurance Company is also aware that Plaintiff has suffered uncompensated property losses in excess of its payment.
7. Encompass Insurance Company is further aware that as Executor of the Estate of Rose Prystowsky, Plaintiff is seeking the recovery of damages for the wrongful death of his wife as well as in his own capacity for his own personal injuries.
8. With regard to the protection of its subrogation interest, Encompass Insurance Company authorizes continuation of the captioned action by its insured/subrogor, Dr. Milton Prystowsky for its benefit.
9. Encompass Insurance Company agrees to be bound by the result of the captioned action.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct. Executed on May 18, 2010.

FOR ENCOMPASS INSURANCE COMPANY

BY: 

Douglas Poff

CERTIFICATE OF SERVICE

I, Deborah A. Crinigan, certify that on June 4, 2010, I served a copy of the Certification of Douglas Poff for Encompass Ins Co. In Ratification of Action upon the following counsel by Electronic Case Filing:

Counsel for Defendant, ADT Services

Neil M. Day, Esquire
Sterns & Weinroth, P.C.
P.O. Box 1298
Trenton, N.J. 08607

Counsel for Defendant, ADT Services

Mark K. Silver, Esquire
Coughlin, Duffy LLP
350 Mount Kemble Avenue
P.O. Box 1917
Morristown, N.J. 07962-1917

Counsel for Third-Party Defendants, Phoenix Mecano, Inc. & Dewert Motorized Systems

Charles L. Simmons, Jr., Esquire
Gorman & Williams
36 S. Charles Street, Suite 900
Baltimore, MD 21201

Counsel for Defendant, Pride Mobility Products Corp.

Neal Sambursky, Esquire
Slone Sklarin Verveniots LLP
240 Mineola Boulevard
Mineola, N.Y. 11501

Counsel for Fourth-Party Defendant, Carling Industries Inc.

William P. Cunningham, Esquire
Daly, Lamastra & Cunningham
3 Mountain View road
P.O. Box 1622
Warren, NJ. 07061

Counsel for Third-Party Defendants, Phoenix Mecano, Inc. & Dewert Motorized Systems

Matthew S. Schorr, Esquire
Marshall, Dennehey, Warner, Coleman & Goggin
425 Eagle Rock Avenue
Suite 302
Roseland, N.J. 07068

WHITE AND WILLIAMS LLP

By: s/ Deborah A. Crinigan
Deborah A. Crinigan, Esquire
Alan J. Charkey, Esquire
LibertyView
457 Haddonfield Road, Suite 400
Cherry Hill, NJ 08002-2220
856-317-3600

Attorneys for Plaintiff, Dr. Milton Prystowsky, in
his own right and as Executor of the Estate of Rose
Prystowsky